

Reprinted January 8, 2010

HOUSE BILL No. 1002

DIGEST OF HB 1002 (Updated January 7, 2010 2:46 pm - DI 14)

Citations Affected: IC 4-13.6; IC 5-16; IC 8-10; IC 8-23; IC 36-1; IC 36-8.

Synopsis: Hiring preferences. Provides that certain contracts for public works projects may not be awarded to a contractor that does not: (1) employ residents of Indiana as at least 80% of the employees working on the contract; and (2) enter into subcontracts only with subcontractors that employ residents of Indiana as at least 80% of the employees working on the contract. Makes an exception for work done in response to an emergency and work done by artisans or in a speciality area with limited persons able to perform the work. Applies the preference to certain contracts entered into by the public works division of the department of administration, any state agency or commission entering into a public works contract, the commission governing the ports of Indiana, the department of transportation, and units of local government. Provides that if a contract is being paid for with federal funds and the requirement that 80% of the employees must be residents of Indiana causes the loss of the federal funds as determined by the federal agency providing the funds, the preference does not apply. Prohibits certain governmental actions when the preference does not apply. Requires any covered entity to prepare an annual report for the public and the legislative council stating, for the contractors awarded public works contracts by the state and the subcontractors with which these contractors entered into subcontracts, the percentage of the contractors' and subcontractors' employees (Continued next page)

Effective: Upon passage.

Kersey

November 17, 2009, read first time and referred to Committee on Ways and Means. January 5, 2010, amended, reported — Do Pass. January 7, 2010, read second time, amended, ordered engrossed.



Digest Continued

working on the public works contracts who are residents of Indiana. Allows the hiring authority of a city, county, or township to give a preference in hiring for police and fire department positions to: (1) a police officer or firefighter laid off by a city; (2) a county police officer laid off by a sheriff's department; or (3) a person who was employed full-time or part-time by a township to provide fire protection and emergency services and has been laid off by the township. Provides that a laid off police officer or firefighter may not receive the preference unless the person applies for employment and meets all of the employment requirements established by law and the hiring authority.





Second Regular Session 116th General Assembly (2010)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in this style type, and deletions will appear in this style type.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or *this style type* reconciles conflicts between statutes enacted by the 2009 Regular and Special Sessions of the General Assembly.

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HOUSE BILL No. 1002

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

Be it enacted by the General Assembly of the State of Indiana:

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years	of a	ge	and	l is c	ne	(1)	of the	fol	lowi	ng:					
"resid	lent	of	Ind	iana	a" r	nean	s a p	erse	on w	ho is	at le	ast e	ighte	een (18)
[EFFE	CT1	[VI	EUP	ON	PA	SSA	GE]:	Sec	. 2.8.	(a) A	sus	ed in	this	secti	on,
CODE	A	S	A	NE	\mathbf{W}	SE	CTIC	N	TO	REA	ΑD	AS	FOI	LLO	WS
SE	CTI	ON	1.	IC	4-1	3.6-	6-2.8	IS	ADI	DED	TO	THI	E IN	DIA	NA

- (1) A person who has registered a motor vehicle in Indiana.
- (2) A person who is registered to vote in Indiana.
- (3) A person who has a child enrolled in an elementary or a secondary school located in Indiana.
- (4) A person who derives more than one-half (1/2) of the person's gross income (as defined in Section 61 of the Internal Revenue Code) from sources in Indiana, according to the provisions applicable to determining the source of adjusted gross income that are set forth in IC 6-3-2-2. However, a person who would otherwise be considered a resident of Indiana under this subdivision is not a resident of Indiana if a preponderance of the evidence concerning the factors set

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1	forth in subdivisions (1) through (3) proves that the person is	
2	not a resident of Indiana.	
3	(b) A contract for a public works project may not be awarded	
4	to a contractor who does not:	
5	(1) employ residents of Indiana as at least eighty percent	
6	(80%) of the employees who work on the contract; and	
7	(2) enter into subcontracts only with subcontractors who	
8	employ residents of Indiana as at least eighty percent (80%)	
9	of the employees who work on the subcontract.	
10	(c) Before August 15 of 2011, and each year thereafter, the	
11	division shall file with the legislative council a report for the	
12	preceding year stating:	
13	(1) for each contractor awarded a contract under this	
14	chapter; and	
15	(2) for each subcontractor with which a contractor referred	
16	to in subdivision (1) enters into a contract in connection with	
17	a contract awarded under this chapter;	
18	the percentage of the employees of the contractor or subcontractor	
19	who work on the contract and are residents of Indiana. The report	
20	to the legislative council must be in an electronic format under	
21	IC 5-14-6.	
22	(d) A contract awarded under this chapter for a public works	
23	project is terminated if the division determines that the contractor	
24	has failed to:	
25	(1) employ residents of Indiana as at least eighty percent	
26	(80%) of the employees who work on the contract; and	
27	(2) enter into subcontracts only with subcontractors who	
28	employ residents of Indiana as at least eighty percent (80%)	
29	of the employees who work on the subcontract.	
30	(e) A contractor or subcontractor who fails to employ residents	
31	of Indiana as at least eighty percent (80%) of the employees who	
32	work on the contract or subcontract commits a Class B infraction	
33	for each nonresident of Indiana employed in excess of the number	
34	of nonresident employees permitted by this section.	
35	(f) If:	
36	(1) a contract or subcontract subject to this section is funded	
37	in whole or in part with federal funds; and	
38	(2) imposing the requirements of this section would cause the	
39	state to lose the federal funds for the contract, as determined	
40	by the federal agency providing the funds;	
41	subsections (a) through (e) do not apply.	
42	(g) If an agency of the federal government makes a	



1	determination under subsection (f) which causes a contract to be	
2	exempted from the requirements of subsections (a) through (e), this	
3	section is meant to express the view of the general assembly that	
4	expanding employment opportunities for Indiana residents	
5	remains a vital part of the state's economy.	
6	(h) A contract exempted from the requirements of subsections	
7	(a) through (e) may not reference the employment of Indiana	
8	residents. The division may not consider the number of	
9	employment opportunities for Indiana residents when doing any of	
10	the following with respect to a project subject to a contract that is	
11	exempted from the requirements of subsections (a) through (e):	
12	(1) Issuing a request for proposals.	
13	(2) Issuing a bulletin inviting bids for the contract.	
14	(3) Prequalifying a contractor for the contract.	
15	(4) Evaluating a bid for the contract.	
16	(i) This section does not apply to contracts entered into to	
17	perform work:	
18	(1) resulting from an emergency; or	
19	(2) performed by an artisan or by someone in a speciality area	
20	with limited persons able to perform the work.	
21	SECTION 2. IC 5-16-1-7.5 IS ADDED TO THE INDIANA CODE	
22	AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE	
23	UPON PASSAGE]: Sec. 7.5. (a) As used in this section, "resident of	
24	Indiana" means a person who is at least eighteen (18) years of age	
25	and is one (1) of the following:	
26	(1) A person who has registered a motor vehicle in Indiana.	
27	(2) A person who is registered to vote in Indiana.	
28	(3) A person who has a child enrolled in an elementary or a	V
29	secondary school located in Indiana.	
30	(4) A person who derives more than one-half (1/2) of the	
31	person's gross income (as defined in Section 61 of the Internal	
32	Revenue Code) from sources in Indiana, according to the	
33	provisions applicable to determining the source of adjusted	
34	gross income that are set forth in IC 6-3-2-2. However, a	
35	person who would otherwise be considered a resident of	
36	Indiana under this subdivision is not a resident of Indiana if	
37	a preponderance of the evidence concerning the factors set	
38	forth in subdivisions (1) through (3) proves that the person is	
39	not a resident of Indiana.	
40	(b) A contract for a public works project under this chapter	
41	may not be awarded to a contractor who does not:	

(1) employ residents of Indiana as at least eighty percent



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1	(80%) of the employees who work on the contract; and
2	(2) enter into subcontracts only with subcontractors who
3	employ residents of Indiana as at least eighty percent (80%)
4	of the employees who work on the subcontract.
5	(c) Before August 15 of 2011, and each year thereafter, any state
6	agency entering into contracts under this chapter shall file with the
7	legislative council a report stating:
8	(1) for each contractor awarded a contract under this
9	chapter; and
10	(2) for each subcontractor with which a contractor referred
11	to in subdivision (1) enters into a contract in connection with
12	a contract awarded under this chapter;
13	the percentage of the employees of the contractor or subcontractor
14	who work on the contract and are residents of Indiana. The report
15	to the legislative council must be in an electronic format under
16	IC 5-14-6.
17	(d) A contract awarded under this chapter for a public works
18	project is terminated if the state or commission determines that the
19	contractor has failed to:
20	(1) employ residents of Indiana as at least eighty percent
21	(80%) of the employees who work on the contract; and
22	(2) enter into subcontracts only with subcontractors who
23	employ residents of Indiana as at least eighty percent (80%)
24	of the employees who work on the subcontract.
25	(e) A contractor or subcontractor who fails to employ residents
26	of Indiana as at least eighty percent (80%) of the employees who
27	work on the contract or subcontract commits a Class B infraction
28	for each nonresident of Indiana employed in excess of the number
29	of nonresident employees permitted by this section.
30	(f) If:
31	(1) a contract or subcontract subject to this section is funded
32	in whole or in part with federal funds; and
33	(2) imposing the requirements of this section would cause the
34	state to lose the federal funds for the contract, as determined
35	by the federal agency providing the funds;
36	subsections (a) through (e) do not apply.
37	(g) If an agency of the federal government makes a
38	determination under subsection (f) which causes a contract to be
39	exempted from the requirements of subsections (a) through (e), this
40	section is meant to express the view of the general assembly that
41	expanding employment opportunities for Indiana residents



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remains a vital part of the state's economy.

1	(h) A contract exempted from the requirements of subsections	
2	(a) through (e) may not reference the employment of Indiana	
3	residents. The state or a commission may not consider the number	
4	of employment opportunities for Indiana residents when doing any	
5	of the following with respect to a project subject to a contract that	
6	is exempted from the requirements of subsections (a) through (e):	
7	(1) Issuing a request for proposals.	
8	(2) Issuing a bulletin inviting bids for the contract.	
9	(3) Prequalifying a contractor for the contract.	
10	(4) Evaluating a bid for the contract.	
11	(i) This section does not apply to contracts entered into to	
12	perform work:	
13	(1) resulting from an emergency; or	
14	(2) performed by an artisan or by someone in a speciality area	
15	with limited persons able to perform the work.	
16	SECTION 3. IC 8-10-1-7.7 IS ADDED TO THE INDIANA CODE	
17	AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE	
18	UPON PASSAGE]: Sec. 7.7. (a) As used in this section, "resident of	
19	Indiana" means a person who is at least eighteen (18) years of age	
20	and is one (1) of the following:	
21	(1) A person who has registered a motor vehicle in Indiana.	
22	(2) A person who is registered to vote in Indiana.	
23	(3) A person who has a child enrolled in an elementary or a	
24	secondary school located in Indiana.	_
25	(4) A person who derives more than one-half (1/2) of the	
26	person's gross income (as defined in Section 61 of the Internal	
27	Revenue Code) from sources in Indiana, according to the	
28	provisions applicable to determining the source of adjusted	V
29	gross income that are set forth in IC 6-3-2-2. However, a	
30	person who would otherwise be considered a resident of	
31	Indiana under this subdivision is not a resident of Indiana if	
32	a preponderance of the evidence concerning the factors set	
33	forth in subdivisions (1) through (3) proves that the person is	
34	not a resident of Indiana.	
35	(b) A contract for a public works project under this chapter	
36	may not be awarded to a contractor who does not:	
37	(1) employ residents of Indiana as at least eighty percent	
38	(80%) of the employees of the contractor who work on the	
39	contract; and	
40	(2) enter into subcontracts only with subcontractors who	
41	employ residents of Indiana as at least eighty percent (80%)	
42	of the employees who work on the subcontract.	



1	(c) Before August 15 of 2011, and each year thereafter, the
2	commission shall file with the legislative council a report stating:
3	(1) for each contractor awarded a contract under this
4	chapter; and
5	(2) for each subcontractor with which a contractor referred
6	to in subdivision (1) enters into a contract in connection with
7	a contract awarded under this chapter;
8	the percentage of the employees of the contractor or subcontractor
9	who work on the contract and are residents of Indiana. The report
10	to the legislative council must be in an electronic format under
11	IC 5-14-6.
12	(d) A contract awarded under this chapter for a public works
13	project is terminated if the commission determines that the
14	contractor has failed to:
15	(1) employ residents of Indiana as at least eighty percent
16	(80%) of the employees who work on the contract; and
17	(2) enter into subcontracts only with subcontractors who
18	employ residents of Indiana as at least eighty percent (80%)
19	of the employees who work on the subcontract.
20	(e) A contractor or subcontractor who fails to employ residents
21	of Indiana as at least eighty percent (80%) of the employees who
22	work on the contract or subcontract commits a Class B infraction
23	for each nonresident of Indiana employed in excess of the number
24	of nonresident employees permitted by this section.
25	(f) If:
26	(1) a contract or subcontract subject to this section is funded
27	in whole or in part with federal funds; and
28	(2) imposing the requirements of this section would cause the
29	state to lose the federal funds for the contract, as determined
30	by the federal agency providing the funds;
31	subsections (a) through (e) do not apply.
32	(g) If an agency of the federal government makes a
33	determination under subsection (f) which causes a contract to be
34	exempted from the requirements of subsections (a) through (e), this
35	section is meant to express the view of the general assembly that
36	expanding employment opportunities for Indiana residents
37	remains a vital part of the state's economy.
38	(h) A contract exempted from the requirements of subsections
39	(a) through (e) may not reference the employment of Indiana
40	residents. The commission may not consider the number of
41	employment opportunities for Indiana residents when doing any of

the following with respect to a project subject to a contract that is



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1	exempted from the requirements of subsections (a) through (e):	
2	(1) Issuing a request for proposals.	
3	(2) Issuing a bulletin inviting bids for the contract.	
4	(3) Prequalifying a contractor for the contract.	
5	(4) Evaluating a bid for the contract.	
6	(i) This section does not apply to contracts entered into to	
7	perform work:	
8	(1) resulting from an emergency; or	
9	(2) performed by an artisan or by someone in a speciality area	
0	with limited persons able to perform the work.	
.1	SECTION 4. IC 8-23-9-4.6 IS ADDED TO THE INDIANA CODE	
2	AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE	
3	UPON PASSAGE]: Sec. 4.6. (a) As used in this section, "resident of	
4	Indiana" means a person who is at least eighteen (18) years of age	
.5	and is one (1) of the following:	
6	(1) A person who has registered a motor vehicle in Indiana.	
7	(2) A person who is registered to vote in Indiana.	
. 8	(3) A person who has a child enrolled in an elementary or a	
9	secondary school located in Indiana.	
20	(4) A person who derives more than one-half (1/2) of the	
21	person's gross income (as defined in Section 61 of the Internal	
22	Revenue Code) from sources in Indiana, according to the	
23	provisions applicable to determining the source of adjusted	
24	gross income that are set forth in IC 6-3-2-2. However, a	_
25	person who would otherwise be considered a resident of	
26	Indiana under this subdivision is not a resident of Indiana if	
27	a preponderance of the evidence concerning the factors set	
28	forth in subdivisions (1) through (3) proves that the person is	V
29	not a resident of Indiana.	
0	(b) A contract for a public works project under this chapter	
31	may not be awarded to a contractor who does not:	
32	(1) employ residents of Indiana as at least eighty percent	
3	(80%) of the employees of the contractor who work on the	
34	contract; and	
55	(2) enter into subcontracts only with subcontractors who	
66	employ residents of Indiana as at least eighty percent (80%)	
37	of the employees working on the subcontract.	
8	(c) Before August 15 of 2011, and each year thereafter, the	
19	department shall file with the legislative council a report stating:	
10	(1) for each contractor awarded a contract under this	
1	chapter; and	
1	(2) for each subcontractor with which a contractor referred	



1	to in subdivision (1) enters into a contract in connection with
2	a contract awarded under this chapter;
3	the percentage of the employees of the contractor or subcontractor
4	who work on the contract and are residents of Indiana. The report
5	to the legislative council must be in an electronic format under
6	IC 5-14-6.
7	(d) A contract awarded under this chapter for a public works
8	project is terminated if the department determines that the
9	contractor has failed to:
0	(1) employ residents of Indiana as at least eighty percent
1	(80%) of the employees who work on the contract; and
2	(2) enter into subcontracts only with subcontractors who
3	employ residents of Indiana as at least eighty percent (80%)
4	of the employees who work on the subcontract.
5	(e) A contractor or subcontractor who fails to employ residents
6	of Indiana as at least eighty percent (80%) of the employees who
7	work on the contract or subcontract commits a Class B infraction
8	for each nonresident of Indiana employed in excess of the number
9	of nonresident employees permitted by this section.
0	(f) If:
1	(1) a contract or subcontract subject to this section is funded
2	in whole or in part with federal funds; and
3	(2) imposing the requirements of this section would cause the
4	state to lose the federal funds for the contract, as determined
.5	by the federal agency providing the funds;
6	subsections (a) through (e) do not apply.
7	(g) If an agency of the federal government makes a
8	determination under subsection (f) which causes a contract to be
9	exempted from the requirements of subsections (a) through (e), this
0	section is meant to express the view of the general assembly that
1	expanding employment opportunities for Indiana residents
2	remains a vital part of the state's economy.
3	(h) A contract exempted from the requirements of subsections
4	(a) through (e) may not reference the employment of Indiana
5	residents. The department may not consider the number of
6	employment opportunities for Indiana residents when doing any of
7	the following with respect to a project subject to a contract that is
8	exempted from the requirements of subsections (a) through (e):
9	(1) Issuing a request for proposals.
0	(2) Issuing a bulletin inviting bids for the contract.
·1	(3) Prequalifying a contractor for the contract.
-2	(4) Evaluating a bid for the contract.



1	(i) This section does not apply to contracts entered into to
2	perform work:
3	(1) resulting from an emergency; or
4	(2) performed by an artisan or by someone in a speciality area
5	with limited persons able to perform the work.
6	SECTION 5. IC 36-1-12-5.5 IS ADDED TO THE INDIANA CODE
7	AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
8	UPON PASSAGE]: Sec. 5.5. (a) As used in this section, "resident of
9	Indiana" means a person who is at least eighteen (18) years of age
10	and is one (1) of the following:
11	(1) A person who has registered a motor vehicle in Indiana.
12	(2) A person who is registered to vote in Indiana.
13	(3) A person who has a child enrolled in an elementary or a
14	secondary school located in Indiana.
15	(4) A person who derives more than one-half (1/2) of the
16	person's gross income (as defined in Section 61 of the Internal
17	Revenue Code) from sources in Indiana, according to the
18	provisions applicable to determining the source of adjusted
19	gross income that are set forth in IC 6-3-2-2. However, a
20	person who would otherwise be considered a resident of
21	Indiana under this subdivision is not a resident of Indiana if
22	a preponderance of the evidence concerning the factors set
23	forth in subdivisions (1) through (3) proves that the person is
24	not a resident of Indiana.
25	(b) A contract for a public works project under this chapter
26	may not be awarded to a contractor who does not:
27	(1) employ residents of Indiana as at least eighty percent
28	(80%) of the employees of the contractor who work on the
29	contract; and
30	(2) enter into subcontracts only with subcontractors who
31	employ residents of Indiana as at least eighty percent (80%)
32	of the employees working on the subcontract.
33	(c) A contract awarded under this chapter for a public works
34	project is terminated if the unit determines that the contractor has
35	failed to:
36	(1) employ residents of Indiana as at least eighty percent
37	(80%) of the employees who work on the contract; and
38	(2) enter into subcontracts only with subcontractors who
39	employ residents of Indiana as at least eighty percent (80%)
40	of the employees who work on the subcontract.
41	(d) A contractor or subcontractor who fails to employ residents

of Indiana as at least eighty percent (80%) of the employees who



1	work on the contract or subcontract commits a Class B infraction
2	for each nonresident of Indiana employed in excess of the number
3	of nonresident employees permitted by this section.
4	(e) If:
5	(1) a contract or subcontract subject to this section is funded
6	in whole or in part with federal funds; and
7	(2) imposing the requirements of this section would cause the
8	state to lose the federal funds for the contract, as determined
9	by the federal agency providing the funds;
10	subsections (a) through (d) do not apply.
11	(f) If an agency of the federal government makes a
12	determination under subsection (e) which causes a contract to be
13	exempted from the requirements of subsections (a) through (d),
14	this section is meant to express the view of the general assembly
15	that expanding employment opportunities for Indiana residents
16	remains a vital part of the state's economy.
17	(g) A contract exempted from the requirements of subsections
18	(a) through (d) may not reference the employment of Indiana
19	residents. The division may not consider the number of
20	employment opportunities for Indiana residents when doing any of
21	the following with respect to a project subject to a contract that is
22	exempted from the requirements of subsections (a) through (d):
	1 1
23	(1) Issuing a request for proposals.
23	(1) Issuing a request for proposals.(2) Issuing a bulletin inviting bids for the contract.(3) Prequalifying a contractor for the contract.
23 24	(1) Issuing a request for proposals.(2) Issuing a bulletin inviting bids for the contract.
23 24 25 26 27	 (1) Issuing a request for proposals. (2) Issuing a bulletin inviting bids for the contract. (3) Prequalifying a contractor for the contract. (4) Evaluating a bid for the contract. (h) This section does not apply to contracts entered into to
23 24 25 26 27 28	 (1) Issuing a request for proposals. (2) Issuing a bulletin inviting bids for the contract. (3) Prequalifying a contractor for the contract. (4) Evaluating a bid for the contract.
23 24 25 26 27	 (1) Issuing a request for proposals. (2) Issuing a bulletin inviting bids for the contract. (3) Prequalifying a contractor for the contract. (4) Evaluating a bid for the contract. (h) This section does not apply to contracts entered into to perform work: (1) resulting from an emergency; or
23 24 25 26 27 28 29 30	 (1) Issuing a request for proposals. (2) Issuing a bulletin inviting bids for the contract. (3) Prequalifying a contractor for the contract. (4) Evaluating a bid for the contract. (h) This section does not apply to contracts entered into to perform work: (1) resulting from an emergency; or (2) performed by an artisan or by someone in a speciality area
23 24 25 26 27 28 29 30 31	 (1) Issuing a request for proposals. (2) Issuing a bulletin inviting bids for the contract. (3) Prequalifying a contractor for the contract. (4) Evaluating a bid for the contract. (h) This section does not apply to contracts entered into to perform work: (1) resulting from an emergency; or (2) performed by an artisan or by someone in a speciality area with limited persons able to perform the work.
23 24 25 26 27 28 29 30 31 32	 (1) Issuing a request for proposals. (2) Issuing a bulletin inviting bids for the contract. (3) Prequalifying a contractor for the contract. (4) Evaluating a bid for the contract. (h) This section does not apply to contracts entered into to perform work: (1) resulting from an emergency; or (2) performed by an artisan or by someone in a speciality area with limited persons able to perform the work. SECTION 6. IC 36-8-4-10 IS AMENDED TO READ AS
23 24 25 26 27 28 29 30 31	 (1) Issuing a request for proposals. (2) Issuing a bulletin inviting bids for the contract. (3) Prequalifying a contractor for the contract. (4) Evaluating a bid for the contract. (h) This section does not apply to contracts entered into to perform work: (1) resulting from an emergency; or (2) performed by an artisan or by someone in a speciality area with limited persons able to perform the work. SECTION 6. IC 36-8-4-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. (a) Subject to
23 24 25 26 27 28 29 30 31 32	 (1) Issuing a request for proposals. (2) Issuing a bulletin inviting bids for the contract. (3) Prequalifying a contractor for the contract. (4) Evaluating a bid for the contract. (h) This section does not apply to contracts entered into to perform work: (1) resulting from an emergency; or (2) performed by an artisan or by someone in a speciality area with limited persons able to perform the work. SECTION 6. IC 36-8-4-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. (a) Subject to subsection (b), (c), the board or persons having the authority to employ
23 24 25 26 27 28 29 30 31 32 33	 (1) Issuing a request for proposals. (2) Issuing a bulletin inviting bids for the contract. (3) Prequalifying a contractor for the contract. (4) Evaluating a bid for the contract. (h) This section does not apply to contracts entered into to perform work: (1) resulting from an emergency; or (2) performed by an artisan or by someone in a speciality area with limited persons able to perform the work. SECTION 6. IC 36-8-4-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. (a) Subject to
23 24 25 26 27 28 29 30 31 32 33 34	 (1) Issuing a request for proposals. (2) Issuing a bulletin inviting bids for the contract. (3) Prequalifying a contractor for the contract. (4) Evaluating a bid for the contract. (h) This section does not apply to contracts entered into to perform work: (1) resulting from an emergency; or (2) performed by an artisan or by someone in a speciality area with limited persons able to perform the work. SECTION 6. IC 36-8-4-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. (a) Subject to subsection (b), (c), the board or persons having the authority to employ
23 24 25 26 27 28 29 30 31 32 33 34 35 36 37	 (1) Issuing a request for proposals. (2) Issuing a bulletin inviting bids for the contract. (3) Prequalifying a contractor for the contract. (4) Evaluating a bid for the contract. (h) This section does not apply to contracts entered into to perform work: (1) resulting from an emergency; or (2) performed by an artisan or by someone in a speciality area with limited persons able to perform the work. SECTION 6. IC 36-8-4-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. (a) Subject to subsection (b), (c), the board or persons having the authority to employ members of the fire or police department shall give a preference for employment according to the following priority: (1) A war veteran who has been honorably discharged from the
23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38	 (1) Issuing a request for proposals. (2) Issuing a bulletin inviting bids for the contract. (3) Prequalifying a contractor for the contract. (4) Evaluating a bid for the contract. (h) This section does not apply to contracts entered into to perform work: (1) resulting from an emergency; or (2) performed by an artisan or by someone in a speciality area with limited persons able to perform the work. SECTION 6. IC 36-8-4-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. (a) Subject to subsection (b), (c), the board or persons having the authority to employ members of the fire or police department shall give a preference for employment according to the following priority: (1) A war veteran who has been honorably discharged from the United States armed forces.
23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39	 (1) Issuing a request for proposals. (2) Issuing a bulletin inviting bids for the contract. (3) Prequalifying a contractor for the contract. (4) Evaluating a bid for the contract. (h) This section does not apply to contracts entered into to perform work: (1) resulting from an emergency; or (2) performed by an artisan or by someone in a speciality area with limited persons able to perform the work. SECTION 6. IC 36-8-4-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. (a) Subject to subsection (b), (c), the board or persons having the authority to employ members of the fire or police department shall give a preference for employment according to the following priority: (1) A war veteran who has been honorably discharged from the United States armed forces. (2) A person whose mother or father was a:
23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38	 (1) Issuing a request for proposals. (2) Issuing a bulletin inviting bids for the contract. (3) Prequalifying a contractor for the contract. (4) Evaluating a bid for the contract. (h) This section does not apply to contracts entered into to perform work: (1) resulting from an emergency; or (2) performed by an artisan or by someone in a speciality area with limited persons able to perform the work. SECTION 6. IC 36-8-4-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. (a) Subject to subsection (b), (c), the board or persons having the authority to employ members of the fire or police department shall give a preference for employment according to the following priority: (1) A war veteran who has been honorably discharged from the United States armed forces. (2) A person whose mother or father was a: (A) firefighter of a unit;
23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39	 (1) Issuing a request for proposals. (2) Issuing a bulletin inviting bids for the contract. (3) Prequalifying a contractor for the contract. (4) Evaluating a bid for the contract. (h) This section does not apply to contracts entered into to perform work: (1) resulting from an emergency; or (2) performed by an artisan or by someone in a speciality area with limited persons able to perform the work. SECTION 6. IC 36-8-4-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. (a) Subject to subsection (b), (c), the board or persons having the authority to employ members of the fire or police department shall give a preference for employment according to the following priority: (1) A war veteran who has been honorably discharged from the United States armed forces. (2) A person whose mother or father was a:



1	who died in the line of duty (as defined in IC 5-10-10-2).	
2	(b) Subject to subsection (c), the board or person having the	
3	authority to employ members of a fire or police department may	
4	give a preference for employment to any of the following:	
5	(1) A police officer or firefighter laid off by another city under	
6	section 11 of this chapter.	
7	(2) A county police officer laid off by a sheriff's department	
8	under IC 36-8-10-11.1.	
9	(3) A person who:	
10	(A) was employed full-time or part-time by a township to	
11	provide fire protection and emergency services; and	
12	(B) has been laid off by the township.	
13	(b) (c) A person described in subsection (a) or (b) may not receive	
14	a preference for employment unless the person:	
15	(1) applies; and	_
16	(2) meets all employment requirements prescribed:	
17	(A) by law, including physical and age requirements; and	
18	(B) by the fire or police department.	
19	SECTION 7. IC 36-8-10-10.4 IS AMENDED TO READ AS	
20	FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10.4. (a) Subject	
21	to subsection (b), (c), the board shall give a preference for employment	
22	according to the following priority:	
23	(1) A war veteran who has been honorably discharged from the	
24	United States armed forces.	
25	(2) A person whose mother or father was a:	
26	(A) firefighter of a unit;	_
27	(B) municipal police officer; or	
28	(C) county police officer;	7
29	who died in the line of duty (as defined in IC 5-10-10-2).	
30	(b) Subject to subsection (c), the board may give a preference	
31	for employment to any of the following:	
32	(1) A member of another department laid off under section	
33	11.1 of this chapter.	
34	(2) A police officer laid off by a city under IC 36-8-4-11.	
35	(b) (c) A person described in subsection (a) or (b) may not receive	
36	a preference for employment unless the person:	
37	(1) applies; and	
38	(2) meets all employment requirements prescribed:	
39 40	(A) by law, including physical and age requirements; and	
40 41	(B) by the department.	
41 42	SECTION 8. IC 36-8-13-3, AS AMENDED BY P.L.182-2009(ss), SECTION 439 IS AMENDED TO READ AS FOLLOWS	
+ /	ACCION 439 IN AMENDED TO KEAD AN FULLOWN	



1	[EFFECTIVE UPON PASSAGE]: Sec. 3. (a) The executive of a	
2	township, with the approval of the legislative body, may do the	
3	following:	
4	(1) Purchase firefighting and emergency services apparatus and	
5	equipment for the township, provide for the housing, care,	
6	maintenance, operation, and use of the apparatus and equipment	
7	to provide services within the township but outside the corporate	
8	boundaries of municipalities, and employ full-time or part-time	
9	personnel to operate the apparatus and equipment and to provide	
10	services in that area. Preference in employment under this section	
11	shall be given according to the following priority:	
12	(A) A war veteran who has been honorably discharged from	
13	the United States armed forces.	
14	(B) A person whose mother or father was a:	
15	(i) firefighter of a unit;	
16	(ii) municipal police officer; or	
17	(iii) county police officer;	
18	who died in the line of duty (as defined in IC 5-10-10-2).	
19	The executive of a township may give a preference for	
20	employment under this section to a person who was employed	
21	full-time or part-time by another township to provide fire	
22	protection and emergency services and has been laid off by	
23	the township. The executive of a township may also give a	
24	preference for employment to a firefighter laid off by a city	
25	under IC 36-8-4-11. A person described in this subdivision may	
26	not receive a preference for employment unless the person applies	_
27	for employment and meets all employment requirements	,
28	prescribed by law, including physical and age requirements, and	
29		
30	all employment requirements prescribed by the fire department.	
	(2) Contract with a municipality in the township or in a	
31	(2) Contract with a municipality in the township or in a contiguous township that maintains adequate firefighting or	
31 32	(2) Contract with a municipality in the township or in a contiguous township that maintains adequate firefighting or emergency services apparatus and equipment to provide fire	
	(2) Contract with a municipality in the township or in a contiguous township that maintains adequate firefighting or	
32	(2) Contract with a municipality in the township or in a contiguous township that maintains adequate firefighting or emergency services apparatus and equipment to provide fire	
32 33	(2) Contract with a municipality in the township or in a contiguous township that maintains adequate firefighting or emergency services apparatus and equipment to provide fire protection or emergency services for the township in accordance	
32 33 34	(2) Contract with a municipality in the township or in a contiguous township that maintains adequate firefighting or emergency services apparatus and equipment to provide fire protection or emergency services for the township in accordance with IC 36-1-7.	
32 33 34 35 36 37	 (2) Contract with a municipality in the township or in a contiguous township that maintains adequate firefighting or emergency services apparatus and equipment to provide fire protection or emergency services for the township in accordance with IC 36-1-7. (3) Cooperate with a municipality in the township or in a contiguous township in the purchase, maintenance, and upkeep of firefighting or emergency services apparatus and equipment for 	
32 33 34 35 36	 (2) Contract with a municipality in the township or in a contiguous township that maintains adequate firefighting or emergency services apparatus and equipment to provide fire protection or emergency services for the township in accordance with IC 36-1-7. (3) Cooperate with a municipality in the township or in a contiguous township in the purchase, maintenance, and upkeep of 	
32 33 34 35 36 37	 (2) Contract with a municipality in the township or in a contiguous township that maintains adequate firefighting or emergency services apparatus and equipment to provide fire protection or emergency services for the township in accordance with IC 36-1-7. (3) Cooperate with a municipality in the township or in a contiguous township in the purchase, maintenance, and upkeep of firefighting or emergency services apparatus and equipment for 	

organized to fight fires in the township for the use and operation of firefighting apparatus and equipment that has been purchased



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by the township in order to save the private and public property
of the township from destruction by fire, including use of the
apparatus and equipment in an adjoining township by the
department if the department has made a contract with the
executive of the adjoining township for the furnishing or
firefighting service within the township.
(5) Contract with a volunteer fire department that maintains
adequate firefighting service in accordance with IC 36-8-12.
(b) This subsection applies only to townships that provide fire
protection or emergency services or both under subsection (a)(1) and
to municipalities that have some part of the municipal territory within
a township and do not have a full-time paid fire department. A
township may provide fire protection or emergency services or both
without contracts inside the corporate boundaries of the municipalities
if before July 1 of a year the following occur:

- (1) The legislative body of the municipality adopts an ordinance to have the township provide the services without a contract.
- (2) The township legislative body passes a resolution approving the township's provision of the services without contracts to the municipality.

In a township providing services to a municipality under this section, the legislative body of either the township or a municipality in the township may opt out of participation under this subsection by adopting an ordinance or a resolution, respectively, before July 1 of a year.

- (c) This subsection applies only to a township that:
 - (1) is located in a county containing a consolidated city;
 - (2) has at least three (3) included towns (as defined in IC 36-3-1-7) that have all municipal territory completely within the township on January 1, 1996; and
 - (3) provides fire protection or emergency services, or both, under subsection (a)(1);

and to included towns (as defined in IC 36-3-1-7) that have all the included town's municipal territory completely within the township. A township may provide fire protection or emergency services, or both, without contracts inside the corporate boundaries of the municipalities if before August 1 of the year preceding the first calendar year to which this subsection applies the township legislative body passes a resolution approving the township's provision of the services without contracts to the municipality. The resolution must identify the included towns to which the resolution applies. In a township providing services to a municipality under this section, the legislative body of the

township may opt out of participation under this subsection by adopting



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1	a resolution before July 1 of a year. A copy of a resolution adopted
2	under this subsection shall be submitted to the executive of each
3	included town covered by the resolution, the county auditor, and the
4	department of local government finance.
5	SECTION 9. An emergency is declared for this act.

SECTION 9. An emergency is declared for this act.



COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1002, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, delete lines 41 through 42.

Page 3, delete lines 1 through 3.

Page 3, line 4, delete "(c)" and insert "(b)".

Page 3, line 11, delete "(d)" and insert "(c)".

Page 3, line 21, delete "(e)" and insert "(d)".

Page 3, line 29, delete "(f)" and insert "(e)".

Page 3, delete lines 34 through 42, begin a new paragraph and insert:

"(f) If:

- (1) a contract or subcontract subject to this section is funded in whole or in part with federal funds; and
- (2) imposing the requirements of this section would cause the state to lose the federal funds for the contract, as determined by the federal agency providing the funds;

subsections (a) through (e) do not apply.

- (g) If an agency of the federal government makes a determination under subsection (f) which causes a contract to be exempted from the requirements of subsections (a) through (e), this section is meant to express the view of the general assembly that expanding employment opportunities for Indiana residents remains a vital part of the state's economy.
- (h) A contract exempted from the requirements of subsections (a) through (e) may not reference the employment of Indiana residents. The division may not consider the number of employment opportunities for Indiana residents when doing any of the following with respect to a project subject to a contract that is exempted from the requirements of subsections (a) through (e):
 - (1) Issuing a request for proposals.
 - (2) Issuing a bulletin inviting bids for the contract.
 - (3) Prequalifying a contractor for the contract.
 - (4) Evaluating a bid for the contract.".

Page 4, delete lines 20 through 24.

Page 4, line 25, delete "(c)" and insert "(b)".

Page 4, line 32, delete "(d)" and insert "(c)".

Page 5, line 1, delete "(e)" and insert "(d)".

Page 5, line 9, delete "(f)" and insert "(e)".

Page 5, delete lines 14 through 22, begin a new paragraph and



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insert:

"(f) If:

- (1) a contract or subcontract subject to this section is funded in whole or in part with federal funds; and
- (2) imposing the requirements of this section would cause the state to lose the federal funds for the contract, as determined by the federal agency providing the funds;

subsections (a) through (e) do not apply.

- (g) If an agency of the federal government makes a determination under subsection (f) which causes a contract to be exempted from the requirements of subsections (a) through (e), this section is meant to express the view of the general assembly that expanding employment opportunities for Indiana residents remains a vital part of the state's economy.
- (h) A contract exempted from the requirements of subsections (a) through (e) may not reference the employment of Indiana residents. The state or a commission may not consider the number of employment opportunities for Indiana residents when doing any of the following with respect to a project subject to a contract that is exempted from the requirements of subsections (a) through (e):
 - (1) Issuing a request for proposals.
 - (2) Issuing a bulletin inviting bids for the contract.
 - (3) Prequalifying a contractor for the contract.
 - (4) Evaluating a bid for the contract.".

Page 5, delete line 42.

Page 6, delete lines 1 through 4.

Page 6, line 5, delete "(c)" and insert "(b)".

Page 6, line 13, delete "(d)" and insert "(c)".

Page 6, line 23, delete "(e)" and insert "(d)".

Page 6, line 31, delete "(f)" and insert "(e)".

Page 6, delete lines 36 through 42.

Page 7, delete lines 1 through 2, begin a new paragraph and insert: "(f) If:

- (1) a contract or subcontract subject to this section is funded in whole or in part with federal funds; and
- (2) imposing the requirements of this section would cause the state to lose the federal funds for the contract, as determined by the federal agency providing the funds;

subsections (a) through (e) do not apply.

(g) If an agency of the federal government makes a determination under subsection (f) which causes a contract to be exempted from the requirements of subsections (a) through (e), this

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section is meant to express the view of the general assembly that expanding employment opportunities for Indiana residents remains a vital part of the state's economy.

- (h) A contract exempted from the requirements of subsections (a) through (e) may not reference the employment of Indiana residents. The commission may not consider the number of employment opportunities for Indiana residents when doing any of the following with respect to a project subject to a contract that is exempted from the requirements of subsections (a) through (e):
 - (1) Issuing a request for proposals.
 - (2) Issuing a bulletin inviting bids for the contract.
 - (3) Prequalifying a contractor for the contract.
 - (4) Evaluating a bid for the contract.".

Page 7, delete lines 22 through 26.

Page 7, line 27, delete "(c)" and insert "(b)".

Page 7, line 35, delete "(d)" and insert "(c)".

Page 8, line 3, delete "(e)" and insert "(d)".

Page 8, line 11, delete "(f)" and insert "(e)".

Page 8, delete lines 16 through 24, begin a new paragraph and insert:

"(f) If:

- (1) a contract or subcontract subject to this section is funded in whole or in part with federal funds; and
- (2) imposing the requirements of this section would cause the state to lose the federal funds for the contract, as determined by the federal agency providing the funds;

subsections (a) through (e) do not apply.

- (g) If an agency of the federal government makes a determination under subsection (f) which causes a contract to be exempted from the requirements of subsections (a) through (e), this section is meant to express the view of the general assembly that expanding employment opportunities for Indiana residents remains a vital part of the state's economy.
- (h) A contract exempted from the requirements of subsections (a) through (e) may not reference the employment of Indiana residents. The department may not consider the number of employment opportunities for Indiana residents when doing any of the following with respect to a project subject to a contract that is exempted from the requirements of subsections (a) through (e):
 - (1) Issuing a request for proposals.
 - (2) Issuing a bulletin inviting bids for the contract.
 - (3) Prequalifying a contractor for the contract.









(4) Evaluating a bid for the contract.".

Page 9, delete lines 2 through 6.

Page 9, line 7, delete "(c)" and insert "(b)".

Page 9, line 15, delete "(d)" and insert "(c)".

Page 9, line 23, delete "(e)" and insert "(d)".

Page 9, delete lines 28 through 36, begin a new paragraph and insert:

"(e) If:

- (1) a contract or subcontract subject to this section is funded in whole or in part with federal funds; and
- (2) imposing the requirements of this section would cause the state to lose the federal funds for the contract, as determined by the federal agency providing the funds;

subsections (a) through (d) do not apply.

- (f) If an agency of the federal government makes a determination under subsection (e) which causes a contract to be exempted from the requirements of subsections (a) through (d), this section is meant to express the view of the general assembly that expanding employment opportunities for Indiana residents remains a vital part of the state's economy.
- (g) A contract exempted from the requirements of subsections (a) through (d) may not reference the employment of Indiana residents. The division may not consider the number of employment opportunities for Indiana residents when doing any of the following with respect to a project subject to a contract that is exempted from the requirements of subsections (a) through (d):
 - (1) Issuing a request for proposals.
 - (2) Issuing a bulletin inviting bids for the contract.
 - (3) Prequalifying a contractor for the contract.
 - (4) Evaluating a bid for the contract.

SECTION 7. IC 36-8-4-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. (a) Subject to subsection (b), (c), the board or persons having the authority to employ members of the fire or police department shall give a preference for employment according to the following priority:

- (1) A war veteran who has been honorably discharged from the United States armed forces.
- (2) A person whose mother or father was a:
 - (A) firefighter of a unit;
 - (B) municipal police officer; or
 - (C) county police officer;

who died in the line of duty (as defined in IC 5-10-10-2).

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- (b) Subject to subsection (c), the board or person having the authority to employ members of a fire or police department may give a preference for employment to any of the following:
 - (1) A police officer or firefighter laid off by another city under section 11 of this chapter.
 - (2) A county police officer laid off by a sheriff's department under IC 36-8-10-11.1.
 - (3) A person who:
 - (A) was employed full-time or part-time by a township to provide fire protection and emergency services; and
 - (B) has been laid off by the township.
- (b) (c) A person described in subsection (a) or (b) may not receive a preference for employment unless the person:
 - (1) applies; and
 - (2) meets all employment requirements prescribed:
 - (A) by law, including physical and age requirements; and
 - (B) by the fire or police department.

SECTION 8. IC 36-8-10-10.4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10.4. (a) Subject to subsection (b), (c), the board shall give a preference for employment according to the following priority:

- (1) A war veteran who has been honorably discharged from the United States armed forces.
- (2) A person whose mother or father was a:
 - (A) firefighter of a unit;
 - (B) municipal police officer; or
 - (C) county police officer;

who died in the line of duty (as defined in IC 5-10-10-2).

- (b) Subject to subsection (c), the board may give a preference for employment to any of the following:
 - (1) A member of another department laid off under section 11.1 of this chapter.
 - (2) A police officer laid off by a city under IC 36-8-4-11.
- (b) (c) A person described in subsection (a) or (b) may not receive a preference for employment unless the person:
 - (1) applies; and
 - (2) meets all employment requirements prescribed:
 - (A) by law, including physical and age requirements; and
 - (B) by the department.

SECTION 9. IC 36-8-13-3, AS AMENDED BY P.L.182-2009(ss), SECTION 439, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) The executive of a

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township, with the approval of the legislative body, may do the following:

- (1) Purchase firefighting and emergency services apparatus and equipment for the township, provide for the housing, care, maintenance, operation, and use of the apparatus and equipment to provide services within the township but outside the corporate boundaries of municipalities, and employ full-time or part-time personnel to operate the apparatus and equipment and to provide services in that area. Preference in employment under this section shall be given according to the following priority:
 - (A) A war veteran who has been honorably discharged from the United States armed forces.
 - (B) A person whose mother or father was a:
 - (i) firefighter of a unit;
 - (ii) municipal police officer; or
 - (iii) county police officer;

who died in the line of duty (as defined in IC 5-10-10-2).

The executive of a township may give a preference for employment under this section to a person who was employed full-time or part-time by another township to provide fire protection and emergency services and has been laid off by the township. The executive of a township may also give a preference for employment to a firefighter laid off by a city under IC 36-8-4-11. A person described in this subdivision may not receive a preference for employment unless the person applies for employment and meets all employment requirements prescribed by law, including physical and age requirements, and all employment requirements prescribed by the fire department.

- (2) Contract with a municipality in the township or in a contiguous township that maintains adequate firefighting or emergency services apparatus and equipment to provide fire protection or emergency services for the township in accordance with IC 36-1-7.
- (3) Cooperate with a municipality in the township or in a contiguous township in the purchase, maintenance, and upkeep of firefighting or emergency services apparatus and equipment for use in the municipality and township in accordance with IC 36-1-7.
- (4) Contract with a volunteer fire department that has been organized to fight fires in the township for the use and operation of firefighting apparatus and equipment that has been purchased by the township in order to save the private and public property

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of the township from destruction by fire, including use of the apparatus and equipment in an adjoining township by the department if the department has made a contract with the executive of the adjoining township for the furnishing of firefighting service within the township.

- (5) Contract with a volunteer fire department that maintains adequate firefighting service in accordance with IC 36-8-12.
- (b) This subsection applies only to townships that provide fire protection or emergency services or both under subsection (a)(1) and to municipalities that have some part of the municipal territory within a township and do not have a full-time paid fire department. A township may provide fire protection or emergency services or both without contracts inside the corporate boundaries of the municipalities if before July 1 of a year the following occur:
 - (1) The legislative body of the municipality adopts an ordinance to have the township provide the services without a contract.
 - (2) The township legislative body passes a resolution approving the township's provision of the services without contracts to the municipality.

In a township providing services to a municipality under this section, the legislative body of either the township or a municipality in the township may opt out of participation under this subsection by adopting an ordinance or a resolution, respectively, before July 1 of a year.

- (c) This subsection applies only to a township that:
 - (1) is located in a county containing a consolidated city;
 - (2) has at least three (3) included towns (as defined in IC 36-3-1-7) that have all municipal territory completely within the township on January 1, 1996; and
 - (3) provides fire protection or emergency services, or both, under subsection (a)(1);

and to included towns (as defined in IC 36-3-1-7) that have all the included town's municipal territory completely within the township. A township may provide fire protection or emergency services, or both, without contracts inside the corporate boundaries of the municipalities if before August 1 of the year preceding the first calendar year to which this subsection applies the township legislative body passes a resolution approving the township's provision of the services without contracts to the municipality. The resolution must identify the included towns to which the resolution applies. In a township providing services to a municipality under this section, the legislative body of the township may opt out of participation under this subsection by adopting a resolution before July 1 of a year. A copy of a resolution adopted

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under this subsection shall be submitted to the executive of each included town covered by the resolution, the county auditor, and the department of local government finance.".

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1002 as introduced.)

CRAWFORD, Chair

Committee Vote: yeas 16, nays 8.

HOUSE MOTION

Mr. Speaker: I move that House Bill 1002 be amended to read as follows:

Page 1, delete lines 1 through 17.

Page 2, delete lines 1 through 21.

Page 3, line 7, delete "commissioner" and insert "legislative council".

Page 3, line 15, after "Indiana." insert "The report to the legislative council must be in an electronic format under IC 5-14-6.".

Page 4, between lines 9 and 10, begin a new paragraph and insert:

- "(i) This section does not apply to contracts entered into to perform work:
 - (1) resulting from an emergency; or
 - (2) performed by an artisan or by someone in a speciality area with limited persons able to perform the work.".

Page 4, line 36, delete "the state" and insert "any state agency".

Page 4, line 37, delete "or a commission".

Page 4, line 38, delete "commissioner of the Indiana department of" and insert "legislative council".

Page 4, line 39, delete "administration".

Page 5, line 4, after "Indiana." insert "The report to the legislative council must be in an electronic format under IC 5-14-6.".

Page 5, between lines 40 and 41, begin a new paragraph and insert:

- "(i) This section does not apply to contracts entered into to perform work:
 - (1) resulting from an emergency; or
 - (2) performed by an artisan or by someone in a speciality area with limited persons able to perform the work.".

Page 6, line 27, delete "commissioner of the Indiana" and insert

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"legislative council".

Page 6, line 28, delete "department of administration".

Page 6, line 35, after "Indiana." insert "The report to the legislative council must be in an electronic format under IC 5-14-6.".

Page 7, between lines 29 and 30, begin a new paragraph and insert:

- "(i) This section does not apply to contracts entered into to perform work:
 - (1) resulting from an emergency; or
 - (2) performed by an artisan or by someone in a speciality area with limited persons able to perform the work.".

Page 8, line 16, delete "commissioner of the Indiana" and insert "legislative council".

Page 8, line 17, delete "department of administration".

Page 8, line 24, after "Indiana." insert "The report to the legislative council must be in an electronic format under IC 5-14-6.".

Page 9, between lines 18 and 19, begin a new paragraph and insert:

- "(i) This section does not apply to contracts entered into to perform work:
 - (1) resulting from an emergency; or
 - (2) performed by an artisan or by someone in a speciality area with limited persons able to perform the work.".

Page 10, between lines 39 and 40, begin a new paragraph and insert:

- "(h) This section does not apply to contracts entered into to perform work:
 - (1) resulting from an emergency; or
 - (2) performed by an artisan or by someone in a speciality area with limited persons able to perform the work.".

Renumber all SECTIONS consecutively.

(Reference is to HB 1002 as printed January 5, 2010.)

KERSEY









